

11630 PL-II

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-196160

DATE: October 10, 1979

MATTER OF: Aqua-Trol Corporation

CNG02435

**DIGEST:**

[Protest concerning small business size status is not for GAO consideration since by law it is matter for decision by Small Business Administration.]

Aqua-Trol Corporation protests any award of a contract for garden hose nozzles to Sherman Manufacturing, contending that Sherman is a "big business division of Wolverine Tube and Cooper." The dispute arises in association with solicitation No. DLA700-79-B-1401 issued by the Defense Logistics Agency (DLA). The procurement was set aside exclusively for small business participation.

DLG-03007  
AGC00002  
DLG-03007

We have been informed by DLA that a concurrent size status protest was filed with the contracting officer for referral to the Small Business Administration (SBA). Under 15 U.S.C. § 637(b) (1976), SBA is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. See, e.g., Astro Pak/Sub Sea Surveyors, Inc., B-195405.3, September 13, 1979, 79-2 CPD \_\_\_\_. Consequently, this dispute is not for our consideration.

AGC00002

*F. H. Barclay, Jr.*

For Milton J. Socolar  
General Counsel

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